

875—218.214(91D) Special proviso for high-salaried administrative employees.

218.214(1) Rule 218.2(91D) contains a special proviso including within the definition of “administrative” an employee who is compensated on a salary or fee basis at a rate of not less than \$500 per week exclusive of board, lodging, or other facilities and whose primary duty consists of either the performance of office or nonmanual work directly related to management policies or general business operations of the employer or the employer’s customers, or the performance of functions in the administration of a school system, or education establishment or institution, or a department or subdivision thereof in work directly related to the academic instruction or training carried on therein, where the performance of the primary duty includes work requiring the exercise of discretion and independent judgment. This highly paid employee having the work as the employee’s primary duty is deemed to meet all the requirements in subrules 218.2(1) to 218.2(5). If an employee qualifies for exemption under this proviso, it is not necessary to test the employee’s qualifications in detail under subrules 218.2(1) to 218.2(5).

218.214(2) Reserved.

SOURCE: 29 CFR 541.214.